

***Remarks***

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment to the Claims, claims 1-30, 33-38, and 40-47 are pending in the application, of which claims 1, 23, and 28 are independent. By the foregoing Amendment, claims 1, 14, 15, 23, 28, 29, 33, and 34 are sought to be amended. Claims 31, 32, and 39 are sought to be cancelled without prejudice or disclaimer. Claims 46 and 47 are sought to be added. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

***Request for Examiner Interview***

Applicant respectfully requests an Examiner Interview. Applicant respectfully requests that the Examiner contact the Applicant's representative at the number provided to formally set a date and time to conduct the interview.

***Rejection under 35 U.S.C. § 103***

The Examiner, on page 2 of the Office Action, states that claims 1-9, 23-25, 27, 29, 39, and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. US 2002/0003584 to Kossin in view of U.S. Patent No. 4,184,758 to Winnacker. Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

The Examiner states that Kossin substantially teaches Applicant's invention as recited in independent claims 1 and 23. Applicant respectfully disagrees. Kossin does not teach or suggest at least the following elements of claims 1 and 23: "a digital camera having [...] a processor[, ...]" and "a sealed case surrounding the digital camera, the case varying in thickness in corner areas, in areas of the case that cover protruding camera components ..." as recited in claims 1 and 23. The Examiner further states, on page 3 of the Office Action, that "Winnacker teaches that making the case thicker, in areas that cover fragile camera components, allows the system to absorb the forces exerted by the sea (Winnacker: figure 1, column 2, lines 48-52, wherein the fragile camera component is the lens which is shown to sit behind the thicker portion of the case).

Applicant respectfully disagrees. Winnacker does not solve the deficiencies of Kossin. Winnacker does not teach or suggest Applicant's elements of: : "a digital camera having [...] a processor[, ...]" and "a sealed case surrounding the digital camera, the case varying in thickness *in corner areas*, in areas of the case that cover protruding camera components ...".

Thus, neither Kossin nor Winnacker, separately or in combination, teach or suggest Applicant's claimed invention as recited in independent claims 1 and 23. For at least the reasons stated above, independent claims 1 and 23, and the claims that depend therefrom (claims 2-22 and 40-47, and claims 24-27, respectively) are patentable over the cited references of Kossin, and Winnacker. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of independent claims 1 and 23, and the claims that depend therefrom.

Claim 29 depends from independent claim 28, which is patentable over Kossin for at least the reasons stated below. Furthermore, Winnacker does not teach or suggest the features missing from Kossin. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 29.

With respect to dependent claim 2, the Examiner states, on page 3 of the Office Action, that Kossin discloses that “the case is formed from two sections of material permanently bonded together (Kossin: figure 1, wherein the two sections are items 121 and 12).” Applicant respectfully disagrees. In Kossin, the waterproof case or housing is labeled as item 12. *Kossin*, page 6, para. [0109], lines 4-6. The housing is made of plastic encasings 121 and 122, where 121 is inside of, but does not touch 122. *Kossin*, page 6, para [0109], lines 6-7; Figure 1. With Kossin, a clear plastic resin separates the outer housing 122 from the inner housing 121. *Kossin*, page 6, para [0110], lines 6-8. Thus, unlike the present invention in which the case is formed from two sections of material permanently bonded together, Kossin teaches that an inner housing 121 is separated by an outer housing 122 with a clear plastic resin, which prevents the inner and outer housings from being permanently bonded together. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 2.

The Examiner further states, and Applicant respectfully agrees, that Kossin and Winnacker do not disclose “wherein the case comprises an aluminum alloy” as recited in dependent claim 7. *Office Action*, page 4 (Sep. 7, 2005). The Examiner further states that Official Notice is taken because “it would have been obvious to make the case from an aluminum alloy (Official Notice). Doing so would have been obvious in order to

provide more support to the camera housing.” Applicant respectfully disagrees with the Examiner’s position. During the course of prosecution, the Examiner has cited five (5) or more references against this Application, none of which teach or suggest to make the case for a sealed camera used for underwater photography from a metal, i.e., an aluminum alloy. Instead, the references all use a plastic material. Applicant therefore believes that the Examiner erred in taking “Official Notice” for claim 7, and respectfully requests that if the Examiner maintains this rejection, that the Examiner provide a reference to substantiate this rejection.

The Examiner, on page 6 of the Office Action, states that claims 10-22, 26, and 30-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. US 2002/0003584 to Kossin in view of U.S. Patent No. 5,512,941 to Takahashi *et al* (hereinafter “Takahashi”). Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Claims 10-22 depend from independent claim 1, which is patentable over Kossin for at least the reasons stated above. Furthermore, Takahashi does not teach or suggest the features missing from Kossin. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claims 10-22.

Furthermore, with regard to dependent claim 10, the Examiner states that Kossin discloses “a storage system powered by a battery system” in figure 5. Applicant respectfully disagrees. Kossin does not teach, suggest, or show a memory or storage system. Instead, Kossin’s figure 5 is a recharging interface. *Kossin*, page 6, para [0099]. Unlike the present invention which teaches a storage system powered by a battery

system, the recharging interface of Kossin is used to recharge battery 181. Thus, contrary to the present invention, Kossin does not teach or suggest a memory or storage system, and therefore, cannot teach “a storage system powered by a battery system.” Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 10.

The Examiner further states, and Applicant respectfully agrees, that Kossin does not disclose a high capacity integrated storage system as recited in Applicant’s dependent claim 13. *Office Action*, pages 6-7 (Sep. 7, 2005). The Examiner further states that “it would have been obvious to implement a high capacity integrated storage system (Official Notice). Doing so would have been obvious in order to more safely and efficiently store a large number of pictures.” Applicant respectfully disagrees. Applicant asserts that taking Official Notice does not solve the deficiencies of Kossin. As indicated above, Kossin does not teach or suggest a memory or storage system, and therefore, cannot teach “a high capacity integrated storage system.” Applicant therefore believes that the Examiner erred in taking “Official Notice” for Applicant’s claim 13 and respectfully requests that if the Examiner maintains this rejection, that the Examiner provide a reference to substantiate this rejection.

The Examiner, on page 7 of the Office Action, further states with regards to dependent claims 14 and 31 (note that claim 31 has been cancelled without prejudice or disclaimer) that Kossin discloses “the storage system is rechargeable with an inductive charging mechanism.” Applicant respectfully disagrees. As indicated above, Kossin does not teach or suggest a storage system, and therefore, cannot teach or suggest that the storage system is rechargeable with an inductive charging mechanism. Applicant

therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 14.

Regarding claims 15, 33, and 36, the Examiner states on page 7 of the Office Action, and Applicant agrees, that Kossin does not disclose “an interchangeable storage system.” The Examiner further states that “it would have been obvious to implement an interchangeable storage system (Official Notice). Doing so would have been obvious in order to easily transfer pictures from one location to another. One would be further motivated since it is well known in the art to do so.” Applicant respectfully disagrees. Kossin does not teach or suggest a storage system, a memory, or an interchangeable storage system. Applicant therefore believes that the Examiner erred in taking “Official Notice” for Applicant’s claims 15, 33, and 36, and respectfully requests that if the Examiner maintains this rejection, that the Examiner provide a reference to substantiate this rejection.

The Examiner has also taken “Official Notice” with regards to claims 18, 19, 21, 22, 26, 34, 35, and 37. Respectfully stated, it appears that when none of the references teach or suggest an element of Applicant’s claim, the Examiner takes “Official Notice” to these elements, indicating that they would have been obvious even though they are not disclosed. Applicant respectfully disagrees. Applicant does not believe that all of the elements listed in claims 18, 19, 21, 22, 26, 34, 35, and 37 are obvious when used in conjunction with a sealed camera for underwater photography. Applicant therefore requests that if the Examiner is to maintain the rejection of claims 18, 19, 21, 22, 26, 34, 35, and 37, that the Examiner provide references to substantiate these rejections.

The Examiner, on page 8 of the Office Action, has rejected claim 20, stating that Takahashi discloses that “the battery and storage systems are combined into a single unit located in a sealed case external to the camera case (Takahashi: figure 6, wherein the battery and storage systems are contained in sealed case H, the single unit are the contents contained within the case H).” Applicant respectfully disagrees. In Takahashi, the single unit H contains the camera. Thus, unlike the present invention, which teaches that “the battery system and storage system are combined into a single unit located in a sealed case *external* to the camera case,” Takahashi in FIG. 6, shows a battery and recording circuit located in the same waterproof case as the primary image sensing circuit and the monitor device. Takahashi teaches, in case C of Figure 6, a subsidiary image sensing circuit and a lamp for illuminating and imaging the value displayed on a pressure meter. *Takahashi*, col. 6, lines 14-22. Thus, contrary to the present invention, which provides for “the battery system and storage system are combined into a single unit located in a sealed case *external* to the camera case,” Takahashi teaches a case separate from the case comprising the camera that contains a lamp and a subsidiary image sensing circuit for imaging a pressure meter. Unlike the present invention, the sealed case H of Takahashi includes the camera. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 20.

Claim 26 depends from independent claim 23, which is patentable over Kossin for at least the reasons stated above. Furthermore, Takahashi does not teach or suggest the features missing from Kossin. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 26.

Claims 30-38 depend from independent claim 28, which is patentable over Kossin for at least the reasons stated below. Furthermore, Takahashi does not teach or suggest the features missing from Kossin. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claims 30-38.

The Examiner, on page 9 of the Office Action, has rejected claim 28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2002/0003584 to Kossin in view of U.S. Patent No. 5,512,941 to Takahashi *et al* (hereinafter "Takahashi") in further view of U.S. Patent No. 5,669,020 to Hopmeyer. Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

With respect to independent claim 28, the Examiner states that Kossin substantially teaches Applicant's invention and that Takahashi teaches Applicant's "advanced on-screen controls," but does not teach the sealed buttons that control the focus system, shutter, zoom lens, and *f*-stop settings. The Examiner further states Hopmeyer discloses the sealed buttons.

Applicant respectfully agrees that Takahashi does not teach the sealed buttons that control the focus system, shutter, zoom lens, and *f*-stop settings. Applicant respectfully disagrees that Hopmeyer teaches sealed buttons. Although Hopmeyer teaches controls for apertures and focus controls, these controls are not sealed buttons. Instead, Hopmeyer uses knobs that are controlled by rotating them, thereby making them impossible to be sealed. Hopmeyer, col. 3, lines 9-16; FIGs. 1 and 2, items 30, 38 and 40.

Thus, neither Kossin, Takahashi, nor Hopmeyer, separately or in combination, teach or suggest Applicant's claimed invention as recited in independent claim 28. For at



least the reasons stated above, independent claim 28, and the claims that depend therefrom (claims 29-38) are patentable over the cited references of Kossin, Takahashi, and Hopmeyer. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of independent claim 28, and the claims that depend therefrom.

The Examiner, on page 10 of the Office Action, has rejected claims 40-43 as being unpatentable over U.S. Patent Application Pub. No. 2002/0003584 to Kossin in view of U.S. Patent No. 4,184,758 to Winnacker, and further in view of U.S. Patent No. 5,953,543 to Shepper. Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Claims 40-43 depend from independent claim 1, which is patentable over Kossin and Winnacker for at least the reasons stated above. Furthermore, Shepper does not teach or suggest the features missing from Kossin. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claims 40-43.

Furthermore, the Examiner states on pages 10-11 of the Office Action, that claims 40-43 “require the case to be made of a plurality of materials and vary in thickness. Shepper teaches that camera cases can be made from a plurality of materials varying in thickness from as little as 0.025mm to a maximum thickness as determined by the materials ability to remain flexible and achieve [its] intended object (Shepper, column 6, lines 1-20).” First, Shepper’s case is manufactured into a bag-like configuration having a single large opening for the reception of the electronic equipment. *Shepper*, col. 6, lines 8-11; *see also* FIG. 1, *showing the bag-like configuration*. Second, Shepper teaches that the case “may be fabricated of a *thermal plastic film* of any suitable material such as

acetates, acrylics, cellulose acetate butylates, polycarbonates, polystyrenes, vinyls or ionmers with polyvinyl being preferred.” *Shepper*, col. 6, lines 17. Thus, unlike dependent claim 43 “wherein the case comprises an *aluminum alloy*,” *Shepper* teaches that the case is fabricated of a *thermal plastic film*. For at least this reason, dependent claim 43 is patentable over Kossin, Winnacker and *Shepper*. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 43.

#### ***New Claims***

Dependent claims 46 and 47 have been added. These claims depend from claim 1, which is patentable over the cited references of Kossin and Winnacker for at least the reasons stated above.

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***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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Dated: January 11, 2006

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